

FILED  
CLERK  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
DATE FILED: 10/13/2011

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF REALNETWORKS,  
INC. AND RHAPSODY INTERNATIONAL,  
INC.

09 Civ. 7761 (DLC)(MHD)

Related to

UNITED STATES OF AMERICA,  
Plaintiff,

41 Civ. 1395 (DLC)(MHD)

v.

AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS,  
Defendant.

**STIPULATION AND ORDER OF DISMISSAL**

WHEREAS, on November 9, 2005, the American Society of Composers, Authors and Publishers ("ASCAP") applied to this Court for the determination of reasonable license fees for an ASCAP license for RealNetworks, Inc. ("RealNetworks") for the period commencing January 1, 2004 ; and

WHEREAS, in 2007, RealNetworks and MTV Networks formed a joint venture known as "Rhapsody America," and in 2010 that company was spun off as Rhapsody International Inc. ("Rhapsody"), an independent corporate entity, and added as a party to this proceeding; and

WHEREAS, the parties have reached a settlement of the issues raised in this proceeding;

IT IS HEREBY ORDERED THAT:

1. The November 9, 2005 Application brought by ASCAP against RealNetworks for the determination of reasonable license fees for the period commencing January 1, 2004, is dismissed with prejudice.
2. Each side is to bear its own attorneys' fees and costs.
3. This Stipulation and Order may be executed via facsimile and in counterpart copies.

Dated: New York, New York  
October 11, 2011

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International Inc.*

Dated: New York, New York  
October 13, 2011

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*So ordered.*

*James Cox*  
*10/13/11*

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Publishers  
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*Attorneys for the American Society of Composers,  
Authors and Publishers*

SO ORDERED.

Dated: New York, New York  
October \_\_, 2011

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Hon. Denise Cote  
United States District Judge

